

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re

CALPINE CORP. Et.al.,xxxxxxxxx,  
Debtor-Appellees.

-----X  
ROBERT MEMBRENO as trustee of  
SAI TRUST,

Appellant,

-against-

CALPINE CORP.et.al.,  
Appellees.

-----X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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08 CIVIL 9797 (VM)

**JUDGMENT**

Appellant having appealed from a Memorandum Decision of the United States Bankruptcy Court for the Southern District of New York, and the matter having come before the Honorable Victor Marrero, United States District Judge, and the Court, on June 9, 2009, having rendered its Decision and Order reversing in part, and affirming in part, the decision of the bankruptcy court, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Decision and Order, dated June 9, 2009, the order of the bankruptcy court is hereby affirmed and the appeal is dismissed; accordingly, the case is closed.

**Dated:** New York, New York  
~~XXXXXXXXXXXX~~, 2009

JUNE 15

J. MICHAEL McMAHON

Clerk of Court

BY:

Deputy Clerk

THIS DOCUMENT WAS ENTERED  
IN THE DOCKET ON \_\_\_\_\_